

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GLEND A JOHNSON, et al.

v.

**SMITHKLINE BEECHAM
CORPORATION, et al.**

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**Civ. No. 11-5782
and all related cases**

ORDER

On March 9, 2015, I approved and adopted Special Master Hangley’s recommendation that I should impose sanction on the law firm of Hagens Berman Sobol Shapiro LLP for its bad faith and dishonesty in litigating the products liability actions brought by Jack Merica, Lawrence Boiardi, and Roel Garza against Defendants—manufacturers and distributors of thalidomide. (Doc. No. 483.) As Mr. Hangley and I have each discussed, only Defendant Grünenthal was entitled to recover sanctions. (Doc. Nos. 414, 482.) Accordingly, I ordered Mr. Hangley to issue a “Report and Recommendation calculating the fees and costs recoverable by Grünenthal.” (Doc. No. 483 ¶ 5.)

As reported in Grünenthal’s instant Motion, while Mr. Hangley was calculating the fee award, Grünenthal and Hagens Berman agreed to fix the sanctions award for the prosecution of the three actions at \$145,000.00, with Hagens Berman reserving its right to appeal whether sanctions were warranted at all. (Doc. No. 512.) I will grant this unopposed request.

With the consent of Mr. Garza, Grünenthal further moves to dismiss with prejudice all Mr. Garza’s claims. (*Id.*) After Mr. Garza filed a statement of non-opposition to Defendants’ Summary Judgment Motion, all Parties stipulated to the dismissal of his claims against Defendant Sanofi only. (Doc. Nos. 318, 327.) At a hearing before Mr. Hangley, Hagens Berman conceded the imposition of sanctions and acknowledged that: (1) Mr. Garza had no

evidence that his mother ever took thalidomide; (2) after he had reason to believe thalidomide had caused his injuries, he never investigated any potential claim he might have; and (3) Mr. Garza's failure to investigate was not based on any of Defendants' alleged misrepresentations. (Oct. 1 Hrg. Trans., Doc. No. 383, at 133-34.) In light of Mr. Garza's statement of non-opposition, Hagens Berman's concession, and my repeated observations that Mr. Garza's claims are time-barred and otherwise meritless, I will grant this unopposed dismissal request as well. (Doc. No. 482.)

An appropriate Judgment follows.

/s/ Paul S. Diamond

August 27, 2015

Paul S. Diamond, J.